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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,107	11/30/2000	Dean Hiller	11324/10	4526
7590 Shawn W. O'Dowd KENYON & KENYON 333 West San Carlos Street San Jose, CA 95110			EXAMINER JAROENCHONWANT, BUNJOB	
			ART UNIT 2447	PAPER NUMBER
			MAIL DATE 05/13/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/728,107

Applicant(s)

HILLER ET AL.

Examiner

BUNJOB JAROENCHONWANIT

Art Unit

2447

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The indicated allowability of claims 1-24 is withdrawn in view of the newly discovered reference(s) to Carden, Agraharam. Rejections based on the newly cited reference(s) follow.
2. Applicant's arguments with respect to claim 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Although, the specification was not completely silent on the phrases "phone receiving device" and "phone number detection device". However, they were minimally mentioned and insufficiently, for an ordinary skilled in the art, to establish metes and bounds of the phrases.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claims 1-32 recite the limitation "device" in the claims. There is insufficient basis for this limitation in the claims, although, the term was mentioned in the specification or originally

claimed but it does not provide sufficient basis for an ordinary skill ion the art to establish metes and bounds of the term, in which applicant has intended.

For examination's purpose, the Office relies upon the definition provided in "IEEE 100 the AUTHORITATIVE DICTIONARY OF IEEE STANDARDS TERMS" seventh edition. Several meanings have been given, *inter alia*, "Device - (10) (software) A mechanism or piece of equipment designed to serve a purpose or perform a function." Further, Dictionary.com defines "mechanism" and "equipment" as follow, "*Mechanism (n) (6.) routine methods or procedures;*" "*Equipment (n) (2.) the act of equipping a person or thing. (3.) the state of being equipped.*"

Hence, the Office stands that metes and bounds of "device," is read on software.

7. Claims 1-7, 15-19 and 25-28 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are structural relationship between a phone-receiving device and a system website.

8. Claims 8-14, 20-24 and 29-32 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted step is a step of obtaining a phone number for verification.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 8-14, 20-24 and 29-32 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of *In Re Bilski* 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The claimed method including steps of "performing," "sending," "confirming," "verifying," and "completing" are broad enough that the claims could be completely performed mentally, verbally, flowchart or without a machine nor is any transformation apparent. For example, the recited method steps may be performed without the aid of a computer or like machine.

11. Claims 1-7, 15-19 and 25-28 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. It is directed to software *per se*, for the reasons given set forth in 35 U.S.C. § 112 section above.

Claim Rejections - 35 USC § 103

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. Claims 1-26 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US. 5987508, hereinafter "Agraharam" and US. 2001/0039592, Hereinafter "Carden".

14. Claims 1, 6-8, 13-15, 18-20, 23-25 and 29, Agraharam discloses the invention substantially, as described including, a method and apparatus for authentication, comprises: clients and server equipped with telephone devices (fig.1) and employing ANI service for identify number of received calls (col.6:45-46). Agraharam, further, teaches client establishes claim to an email address associated with telephone number (fig3;fig.4). Furthermore, Agraharam teaches the user may call the server to activate his/her account, and upon receiving call, at the server, the server employs ANI to identify a telephone number of the received call and further acquires PIN from user for verification purpose (abstract; col.6:42-46).

Agraharam is merely silent on applying its method and system for claiming a websites associated with telephone number.

However, claiming website or any form of web services that associated with telephone number was not novel at the time, Carden, in the same field of endeavor, teaches as such (abstract; ¶20)

Inasmuch as, they are in the same field of endeavor, having highly expectation of success in combining and the combination would increase flexibility of authentication process strengthening security and benefit most users, it would have been obvious to an artisan apply the authentication process as taught by Agraharam with web claims application, taught in Carden.

15. Claims 2, 9, 26 and 30, Agraharam-Carden discloses the invention substantially, as described in their parent claims, including, completing the claim by accessing the system and entering the personal identification number (Agraharam, col.6:42-46).

16. Claims 3 and 10, Agraharam-Carden discloses the invention substantially, as described in their parent claims, including, request by electronic form (Agraharam, col.5; 49-52).

17. Claims 4, 11, 16 and 21, Agraharam-Carden teaches websites registration (Carden, abstract), the fact is websites registration requires specific lease time. Therefore, a valid pre-defined length of times is inherent.

18. Claims 5, 12, 17 and 22, Agraharam-Carden the system can also call back by to verify phone number (Carden, ¶32:24-33)

19. Claims 27-28 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US. Agraharam-Carden, in view of what was well known in the art at the time of applicant's invention was made known in the art.

20. Claims 27, 28, 31 and 32, Agraharam-Carden discloses the invention substantially, as described in their parent claims but fails to disclose the receiving device is a pager of facsimile. Official Notice is taken that notice is taken that, pager and facsimile was well known in the art at the time of applicant's invention was made known and widely used in the art. Thus, it would have been obvious to an artisan to deploy such devices as part of receiving device in order to expand its application. In doing so, it would expand an application of it invention and has more commercialize value added.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BUNJOB JAROENCHONWANIT whose telephone number is (571)272-3913. The examiner can normally be reached on 6:00-14:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joon H. Hwang can be reached on (571) 272-4036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BUNJOB JAROENCHONWANIT/
Primary Examiner
Art Unit 2447

/bj/
5/10/2010